

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

SCHEIDLER ET AL. *v.* NATIONAL ORGANIZATION FOR
WOMEN, INC., ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE SEVENTH CIRCUIT

No. 04–1244. Argued November 30, 2005—Decided February 28,
2006*

Respondents, a national nonprofit organization that supports the legal availability of abortions and two health care clinics that perform abortions, filed a class action alleging that petitioners, individuals and organizations that oppose legal abortion, engaged in a nationwide conspiracy to shut down abortion clinics through violence and other unlawful acts. Arguing that petitioners’ activities amounted in context to extortionate acts that created a pattern of racketeering activity, respondents based their claims on, *inter alia*, the Hobbs Act, which makes it a federal crime to “obstruc[t], dela[y], or affec[t] commerce . . . by . . . robbery or extortion . . . or commit[ting] or threaten[ing] physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section,” 18 U. S. C. §1951(a), and on the Racketeer Influenced and Corrupt Organizations Act (RICO), which defines a proscribed “pattern of racketeering activity,” §1962(a), in terms of certain predicate acts that include extortion, see §1961(1). After trial, the jury concluded that petitioners violated RICO’s civil provisions, the Hobbs Act, and other extortion-related laws. In *Scheidler v. National Organization for Women, Inc.*, 537 U. S. 393 (*NOW II*), this Court reversed the Seventh Circuit’s affirmance of the jury’s award of damages and the District Court’s issuance of a permanent nationwide injunction. The Court noted that the Hobbs Act defines “extortion” as necessarily including the improper “‘obtaining of property from another;’” *id.*, at 400

*Together with No. 04–1352, *Operation Rescue v. National Organization for Women, Inc., et al.*, also on certiorari to the same court.

Syllabus

(quoting §1951(b)(2)); observed that the claimed “property” here consisted of a woman’s right to seek clinic services and the rights of clinic staff to perform their jobs and of clinics to provide care free from wrongful threats, violence, coercion, and fear, *id.*, at 400–401; decided that characterizing petitioners’ actions as an “obtaining of property from” respondents went well beyond permissible boundaries, *id.*, at 402; and held, therefore, that petitioners did not commit extortion as defined by the Hobbs Act, *id.*, at 397. The Court concluded that, because all of the predicate acts supporting the jury’s finding of a RICO violation had to be reversed, the judgment that petitioners violated RICO must also be reversed, *id.*, at 411. On remand, the Court of Appeals decided that, because this Court had not considered respondents’ alternative theory that the jury’s RICO verdict rested not only on extortion-related conduct, but also on four instances (or threats) of physical violence *unrelated* to extortion, the cases must be remanded to the District Court to determine whether these four acts alone might constitute Hobbs Act violations (sufficient, as predicate acts under RICO, to support the injunction).

Held: Physical violence unrelated to robbery or extortion falls outside the Hobbs Act’s scope. Congress did not intend to create a freestanding physical violence offense. It did intend to forbid acts or threats of physical violence in furtherance of a plan or purpose to engage in what the Act refers to as robbery or extortion (and related attempts or conspiracies). Pp. 5–11.

(a) The more restrictive reading of the statutory text—the one tying the prohibited violence to robbery or extortion—is correct. For one thing, it is the more natural reading. The text preceding the physical violence clause does not forbid *obstructing, delaying, or affecting commerce*; rather, it forbids *obstructing, delaying, or affecting commerce “by robbery or extortion.”* §1951(a) (emphasis added). This means that behavior that obstructs, delays, or affects commerce is a “violation” of the statute only if it also involves robbery or extortion (or related attempts or conspiracies). Consequently, the reference in the physical violence clause to actions or threats of violence “in furtherance of a plan or purpose *to do anything in violation of this section*” seems to mean acts or threats of violence in furtherance of a plan or purpose *to engage in robbery or extortion*, for that is the only kind of behavior that the section otherwise makes a violation. This restrictive reading is further supported by the fact that Congress often intends such statutory terms as “affect commerce” or “in commerce” to be read as terms of art connecting the congressional exercise of legislative authority with the constitutional provision (here, the Commerce Clause) granting that authority. See, *e.g.*, *Allied-Bruce Terminix Cos. v. Dobson*, 513 U. S. 265, 273. Such jurisdic-

Syllabus

tional language may limit, but it will not primarily define, the behavior that the statute calls a “violation” of federal law. Cf. *Jones v. United States*, 529 U. S. 848, 854. Moreover, the statute’s history supports the more restrictive reading: Both of the Hobbs Act’s predecessor statutes made clear that the physical violence they prohibited was not violence in furtherance of a plan to injure commerce, but violence in furtherance of a plan to injure commerce through coercion or extortion (1934 Act) or through extortion or robbery (1946 Act). The Hobbs Act’s legislative history contains nothing to the contrary. That the present statutory language is less clear than the 1946 version does not reflect a congressional effort to redefine the crime. To the contrary, Congress revised the Act’s language in 1948 as part of its general revision of the Criminal Code, which “was not intended to create new crimes but to recodify those then in existence.” *Morisette v. United States*, 342 U. S. 246, 269, n. 28. The Court will not presume the revision worked a change in the underlying substantive law absent a clearly expressed intent to do so. *Keene Corp. v. United States*, 508 U. S. 200, 209. Here there is no evidence of any such intent. Finally, respondents’ interpretation broadens the Hobbs Act’s scope well beyond what case law has assumed. It would federalize much ordinary criminal behavior, ranging from simple assault to murder, that typically is the subject of state, not federal, prosecution. Congress did not intend the Hobbs Act to have so broad a reach. See, e.g., *NOW II*, *supra*, at 405. Other Courts of Appeals have rejected respondents’ construction of the Act. And in 1994, Congress enacted the Freedom of Access to Clinic Entrances Act, 18 U. S. C. §248(a)(3), which was aimed specifically at the type of activity at issue in this litigation, thereby suggesting that Congress did not believe that the Hobbs Act already addressed that activity. Pp. 5–9.

(b) Respondents’ reliance on the canon of statutory construction favoring interpretations that give a function to each word in a statute, thereby avoiding linguistic superfluity, is misplaced. They claim that, because the definitions of robbery or extortion (or related attempts or conspiracies) already encompass robbery or extortion that take place through acts of violence (or related threats), see §§1951(b)(1) and (2), there would be no reason for §1951(a) to contain its physical violence clause unless Congress intended to create a free-standing offense. Petitioners, however, have found a small amount of additional work for the clause to do. The Scheidler petitioners point to a hypothetical mobster who threatens violence and demands payment from a business. Those threats constitute attempted extortion; but the subsequent acts of violence against a noncomplying business by the mobster’s subordinates might not constitute attempted extortion or be punishable as a conspiracy to commit extortion if the sub-

4 SCHEIDLER *v.* NATIONAL ORGANIZATION FOR WOMEN,
INC.

Syllabus

ordinates were not privy to the mobster’s plan, absent the specific prohibition of physical violence in furtherance of a plan to commit extortion. The Government adds that the clause permits prosecutors to bring multiple charges for the same conduct; *e.g.*, a robber who injured bystanders could be charged with the separate Hobbs Act crimes of robbery and of using violence in furtherance of the robbery. While this additional work is concededly small, Congress’ intent is clear. Interpretive canons are designed to help courts determine what Congress intended, not to lead them to interpret the law contrary to that intent. Pp. 9–11.

91 Fed. Appx. 510, reversed and remanded.

BREYER, J., delivered the opinion of the Court, in which all other Members joined, except ALITO, J., who took no part in the consideration or decision of the cases.